

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

3 IN RE APPLICATION OF THE) Case 1:17-mc-00030
4 PLURINATIONAL STATE OF)
5 BOLIVIA FOR AN ORDER) Alexandria, Virginia
6 DIRECTING DISCOVERY FROM)
7 GONZALO SANCHEZ DE LOZADA Y) February 13, 2018
8 SANCHEZ DE BUSTAMANTE) 10:58 a.m.
9 PURSUANT TO 28 U.S.C. 1782)
10) Pages 1 - 23

11 TRANSCRIPT OF MOTION FOR LEAVE TO INTERVENE IN PETITION
12 FOR DISCOVERY IN AID OF A FOREIGN PROCEEDING
13 BEFORE THE HONORABLE ANTHONY J. TRENGA
14 UNITED STATES DISTRICT COURT JUDGE

15 APPEARANCES:

16 FOR THE PETITIONER:

17 DAWN Y. YAMANE HEWETT, ESQUIRE
18 JOY ODOM, ESQUIRE
19 QUINN, EMANUEL, URQUHART & SULLIVAN, LLP
20 1300 I Street, N.W., Suite 900
21 Washington, D.C. 20005
22 (202) 538-8000

23 FOR THE RESPONDENT:

24 RANI A. HABASH, ESQUIRE
25 ALEXANDRE DE GRAMONT, ESQUIRE, *PRO HAC VICE*
DECHERT, LLP
1900 K Street, N.W.
Washington, D.C. 20006-1110
(202) 261-3300

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 THE CLERK: Civil Action 17-mc-30, *The*
2 *Plurinational State of Bolivia v. Gonzalo Sanchez de*
3 *Lozada*.

4 Counsel, please note your appearances for the
5 record.

6 MS. HEWETT: Good morning. I'm Dawn Yamane
7 Hewett from Quinn Emanuel representing Mr. Orlandini
8 and CMO, the movants.

9 MS. ODOM: Joy Odom, also on behalf of the
10 movants.

11 MR. HABASH: Rani Habash from Dechert on
12 behalf of Bolivia. I have with me my colleague who has
13 been admitted *pro hac vice*.

14 MR. DE GRAMONT: Good morning, Your Honor.
15 Alex de Gramont on behalf of Bolivia.

16 THE COURT: Welcome to everyone.

17 We're here on the motion to intervene by
18 Julio Miguel Orlandini-Agreda and Compania Minera
19 Orlandini. I think I pronounced those recognizably.
20 I've reviewed the filings. I would be pleased to hear
21 further from counsel on this.

22 MS. HEWETT: Yes, Your Honor. Good morning.

23 THE COURT: I have to say, I really see both
24 sides of this in the sense that I understand why you
25 want to be involved. I understand why Bolivia would

1 not like to open this up to a general assembly of
2 people who might have an interest in it.

3 Explain to me how you really think you're
4 prejudiced by not being able to intervene in this case
5 given that you have pending your own 1782 proceeding in
6 which presumably you could obtain from the former
7 president anything he produces in this proceeding,
8 including within your subpoena any relevant documents
9 that he may have produced in this proceeding, and also
10 why you couldn't get relief within the arbitration
11 proceeding itself with respect to any unfair use of any
12 materials that might be obtained in this 1782
13 proceeding.

14 MS. HEWETT: Your Honor, in response to your
15 question, so how Mr. Orlandini and CMO are prejudiced
16 is precisely because we have these other discovery
17 applications seeking similar information but not the
18 same information but related to the same transaction,
19 the sale of Comsur, which is Mr. Sanchez de Lozada's
20 company, Comsur to Glencore. That's the subject matter
21 of both of the petitions. Bolivia has intervened, and
22 we consented to --

23 THE COURT: But your complaint, as I
24 understand it, is that before it was nationalized, it
25 was basically trespassed upon and mined in violation of

1 your client's concession agreements. Correct?

2 MS. HEWETT: That is right. There was
3 illegal trespass and theft of our minerals, and then
4 later a full sale expropriation of the assets.

5 THE COURT: Then it was reprivatized and sold
6 to Glencore?

7 MS. HEWETT: It was -- well, our
8 concessions -- actually, the concessions at issue in
9 Mr. Orlandini's and CMO's arbitration were never --
10 Mr. Orlandini and CMO have held those assets for
11 decades, those concessions. So it's a little different
12 than the nationalization issue.

13 THE COURT: Let's assume rather than a 1782
14 proceeding, which is basically an aid of discovery
15 statute to a pending arbitration, let's assume that
16 Glencore simply filed a lawsuit here against Bolivia
17 and you wanted to intervene for exactly the same
18 reasons. Do you think you would be entitled to
19 intervene in that lawsuit simply for the purposes of
20 obtaining the benefits of discovery in that case?

21 MS. HEWETT: I think what's different about
22 that -- and I would like to answer fully your original
23 question as well.

24 THE COURT: Yes.

25 MS. HEWETT: I think what's different, we're

1 not trying to intervene in Glencore's arbitration
2 against Bolivia. We're trying to --

3 THE COURT: I understand that.

4 MS. HEWETT: We're simply trying to intervene
5 in this action. The subject matter of this action is
6 simply to obtain documents from Mr. Sanchez de Lozada
7 about his involvement in the sale of Comsur to
8 Glencore. This particular action, this discovery
9 matter is narrow in that the only thing that it's
10 seeking is the request -- the discovery request in
11 Bolivia's petition.

12 THE COURT: Are you asking to intervene
13 solely for the purposes of receiving copies of what
14 otherwise is going to be produced, or do you want to
15 have the ability to start issuing your own subpoenas
16 and participating in depositions and ask your own
17 questions?

18 MS. HEWETT: We've conferred with Bolivia's
19 counsel on this, on the question of our intervention,
20 before submitting our motion. We submitted to them
21 that our sole purpose in intervening is to obtain
22 copies of the same documents, so same access to the
23 documents, as well as to be able to participate in a
24 deposition.

25 One of the reasons why we'd like to -- the

1 reason really principally why we'd like to participate
2 in the deposition is because we have -- Judge Davis on
3 Friday ordered the deposition of Mr. Sanchez de Lozada
4 in our discovery application. Bolivia will be party --
5 has intervened in that action. So Bolivia will be
6 participating in the deposition of Mr. Sanchez de
7 Lozada.

8 If in this action there's a deposition of
9 Mr. Sanchez de Lozada ordered and CMO and Mr. Orlandini
10 are not able to participate, there could be
11 contradictory information that Mr. Sanchez de Lozada
12 discloses in that deposition about the same transaction
13 that we would not have access to and we wouldn't know
14 about.

15 In responding to your original question about
16 could we --

17 THE COURT: Couldn't you ask for the
18 deposition transcripts of the witness in any other
19 proceeding in your 1782?

20 MS. HEWETT: Well, we have -- our discovery
21 action is a little bit farther along. We've already
22 issued the subpoena. Judge Davis has asked us to
23 provide some timeframes for the document requests that
24 we've already issued, and the documents should be
25 forthcoming shortly, as soon as we give our revised

1 document requests to counsel for Mr. Sanchez de Lozada.
2 And then the deposition is also going to occur shortly.

3 As far as the arbitration is concerned,
4 discovery in international arbitrations is much more
5 circumscribed than in federal court. So we -- while we
6 could ask for information, the information that
7 arbitration -- the information that one is able to
8 obtain in discovery in international arbitrations is
9 much more circumscribed.

10 And I should note that Bolivia has never said
11 that they would not use any of the information obtained
12 in this proceeding for ours. Even if it had, this
13 Court, nor Mr. Orlandini and CMO are -- should be
14 obligated to rely on that. *In re Hornbeam*, the Court
15 said exactly the same thing, that the proposed
16 intervenor didn't have to rely, nor did the Court have
17 to rely on the assertion of Hornbeam, who was seeking
18 the information, that it would not -- and in that case,
19 Hornbeam actually did assert that it would not use
20 information against the proposed intervenor.

21 THE COURT: Other than the documents and
22 deposition of Sanchez de Lozada, are there contemplated
23 other subpoenas that are being issued to other persons
24 or entities in your 1782?

25 MS. HEWETT: At this time, so far there have

1 been -- there are two actions in New York.

2 THE COURT: I'm talking about one in this
3 district.

4 MS. HEWETT: In this district, we have only
5 issued the subpoena to Mr. Sanchez de Lozada, and at
6 this time, we've not filed any other --

7 THE COURT: Are you contemplating any others?
8 Is there any other evidence in this district that
9 would --

10 MS. HEWETT: Not to my knowledge, Your Honor.

11 THE COURT: Is there any reason these two
12 1782s shouldn't be consolidated in some fashion?

13 MS. HEWETT: Well, I think the timeframes are
14 quite -- the timeframes in terms of the proceeding of
15 the actions are quite different in that ours, we've
16 already had a discussion with Magistrate Judge Davis.
17 He's already ordered documents and a deposition in the
18 case.

19 THE COURT: If they're so related, as you
20 say, why wouldn't it be in everyone's interest to
21 consolidate these and have one deposition of
22 Mr. Sanchez de Lozada and one production of documents
23 and everybody be on their way?

24 MS. HEWETT: It's possible. I mean, I will
25 say the documents that we requested in our discovery

1 request related more closely to just CMO and
2 Mr. Orlandini's concessions.

3 Bolivia's document request in this proceeding
4 relate more broadly to the sale of Comsur about due
5 diligence, bids, contracts between Mr. Sanchez de
6 Lozada and Glencore.

7 THE COURT: That seems to me to argue against
8 what you're asking for, that Bolivia has -- recognizes
9 that Bolivia has an interest in maintaining a more
10 narrow focus in this particular 1782 of the pending
11 Glencore arbitration as opposed to a more broader scope
12 of inquiry that might apply to your future claims.

13 MS. HEWETT: What I was actually trying to
14 say is the opposite, that the document requests here
15 are -- I mean, I could go through each of the document
16 request, and almost every single one of Bolivia's
17 documented request are --

18 THE COURT: In this.

19 MS. HEWETT: In this proceeding, yes, is very
20 likely to include information about Mr. Orlandini and
21 CMO that would be highly relevant to issues, for
22 example, of the valuation of the underlying assets and
23 the valuation of Comsur, which is what was sold to
24 Glencore. All of the due diligence documents,
25 contracts between Mr. Sanchez de Lozada and Glencore

1 could divulge information, for example, of an agreement
2 not to divulge the illegal trespass of mining in the
3 formal due diligence documents. It could involve
4 valuation of the mining assets of the minerals, the
5 actual minerals.

6 THE COURT: Do you think that your discovery
7 in your own 1782 could result in the same deponent and
8 custodian of documents giving different responses to
9 essentially the same request for information?

10 MS. HEWETT: Well, Mr. Sanchez de Lozada did
11 oppose our subpoena, and that was the procedural
12 posture we were in on Friday.

13 THE COURT: On what grounds was it opposed?

14 MS. HEWETT: It was opposed primarily on
15 burden, over-breadth, and relevance. For the most
16 part, Judge Davis denied that petition and granted it
17 only to the extent for Mr. Orlandini and CMO to narrow
18 the document requests to include a timeframe and to,
19 you know, ensure that the document requests are related
20 to our arbitration.

21 THE COURT: So Bolivia has intervened with
22 consent in that proceeding?

23 MS. HEWETT: Yes. We consented to Bolivia's
24 intervention. We also consented to Bolivia's
25 intervention in two other petitions in the Southern

1 District of New York. We've already concluded one
2 deposition in one of the proceedings, and the other
3 one, documents, we believe, are forthcoming. So far we
4 are still working out the details of a protective
5 order.

6 THE COURT: All right. Although, in that
7 circumstance, though, Bolivia clearly is somebody that
8 will have this information. Bolivia is the target
9 basically in these other proceedings.

10 MS. HEWETT: Yes. That is the procedural
11 posture of a number of these cases, but it also stands
12 that Mr. Orlandini and CMO are -- you know, you could
13 use the word "target." There is an arbitration that is
14 filed. Mr. Orlandini and CMO filed their arbitration
15 on February 5, last week. So the arbitration is --
16 there can be no argument --

17 THE COURT: Where is that pending? In
18 London?

19 MS. HEWETT: It's an international
20 arbitration under UNCITRAL rules. The parties have not
21 chosen the seat of arbitration, but it's -- that's
22 something --

23 THE COURT: It's under the U.S. bid; is that
24 right? Your claim is under the bilateral treaty
25 agreement with the United States and Bolivia?

1 MS. HEWETT: Yes, that's right.

2 So we have reason to believe that Bolivia
3 would not want to choose the United States as a seat in
4 terms of the location of the arbitration because the
5 party -- well, Mr. Orlandini is a U.S. citizen, and
6 then CMO is a U.S. company, for that reason. So we
7 have proposed elsewhere in Europe so that -- as a
8 potentially mutually agreeable location for the
9 arbitration.

10 But I should note that in the discovery
11 proceedings in New York, Bolivian counsel referred to
12 those very discovery petitions as related -- the
13 subject matter of those petitions were related to the
14 subject matter of this petition. So in petitioning
15 this Court for the discovery that it's seeking,
16 counsel, you know, basically conceded that the subject
17 matter of the two -- the different discovery petitions
18 were the same.

19 THE COURT: All right. Thank you.

20 Counsel.

21 MR. DE GRAMONT: Thank you, Your Honor. Alex
22 de Gramont on behalf of Bolivia. Let me start by
23 saying that there are two larger problems for Bolivia,
24 putting aside the technical issues and the technical
25 questions of intervention. The first is that Bolivia

1 is trying to defend itself in a \$700 million
2 arbitration against Glencore. Glencore is the other
3 party. The Orlandini parties --

4 THE COURT: Filed by Glencore against
5 Bolivia.

6 MR. DE GRAMONT: Exactly.

7 THE COURT: Are their claims over against
8 Glencore?

9 MR. DE GRAMONT: No, not as of yet, Your
10 Honor.

11 So Bolivia needs to defend itself in this
12 very large arbitration. We have consented to the
13 intervention of Glencore.

14 THE COURT: When was that filed?

15 MR. DE GRAMONT: In 2016, Your Honor.

16 So on the one hand, we have limited time,
17 limited resources. We will have a seven-hour
18 deposition of Mr. Sanchez de Lozada if the Court
19 doesn't grant his motion to quash. We're already going
20 to have to share that time with Glencore.

21 In the bigger picture --

22 THE COURT: So there will be a seven-hour
23 limit on that deposition; is that correct?

24 MR. DE GRAMONT: That's what we expect, Your
25 Honor.

1 THE COURT: Is that under the applicable
2 rules?

3 MR. DE GRAMONT: It's under Rule 30, Your
4 Honor. We anticipate that we'll have to comply with
5 the Federal Rules of Civil Procedure absent an
6 agreement between the parties or relief from the Court.

7 Now, there is -- also, the bigger policy
8 issue for a sovereign state is that sovereign states
9 will often engage in conduct, will take actions that
10 will affect multiple persons, multiple parties. It
11 cannot be the case that when the sovereign state brings
12 a 1782 action to defend itself in one of those claims,
13 all of the other claimants can intervene to seek
14 discovery simply on the basis that there's some factual
15 overlap.

16 You know, there is a small but growing body
17 of 1782 cases that we in the international litigation
18 and arbitration community pay close attention to. No
19 court, to our knowledge, has ever allowed a person to
20 intervene in a 1782 action where they have no role in
21 the underlying case, the case at issue, the foreign
22 proceeding at issue, but simply want to gather
23 discovery for some other action.

24 The truth is, Your Honor, these cases are
25 very different. They are brought under different legal

1 instruments. They involve different timeframes. The
2 assets at issue in the Glencore case are located in a
3 different part of the country.

4 THE COURT: Is there any reason why the
5 Orlandini people couldn't, in their own 1782, request
6 production of whatever is or will be produced in this
7 proceeding? I mean subject to relevancy.

8 MR. DE GRAMONT: Well, subject to relevancy,
9 there is no reason they couldn't ask that. Now, as
10 Ms. Hewett said, last week Magistrate Judge Davis
11 ordered that the request be circumscribed to the
12 particular claims in that case. It is entirely
13 possible that when we go and argue Mr. Sanchez de
14 Lozada's motion to quash before Judge Nachmanoff in a
15 couple of weeks, we will have a similar restriction
16 imposed.

17 So it seems to me that it is likely that the
18 document requests in the respective cases are going to
19 be focused on the different claims. Again, in the
20 Glencore case, there are three assets located in one
21 part of the country that were allegedly expropriated
22 between the years, I believe, 2007 and 2012. In the
23 Orlandini case, there is something like over 40
24 concessions located in a completely different part of
25 the country that Bolivia allegedly expropriated or took

1 adverse action against between 1997 and 2007.

2 So while there is some factual overlap in
3 that the sale from Mr. Sanchez de Lozada to Glencore
4 included some of the assets that are at issue in
5 Orlandini, these really are two different --

6 THE COURT: They included the assets because
7 they had been nationalized before being deprivatized;
8 is that right?

9 MR. DE GRAMONT: Are you referring to the
10 Glencore assets?

11 THE COURT: Yes.

12 MR. DE GRAMONT: Yeah.

13 THE COURT: That's why there was an overlap.

14 MR. DE GRAMONT: Yeah -- no. So Mr. Sanchez
15 de Lozada was president in the late 1990s. He paved
16 the road for privatization when he left office after
17 the first time. He participated in the privatization
18 process and acquired two of the assets that were being
19 privatized by Bolivia. He acquired the third asset
20 from another party that had acquired it during the
21 privatization, and then later he sold those assets
22 along with others to Glencore for a reported
23 \$220 million.

24 So that is the subject matter of the Glencore
25 case. Again, it's really very different from the

1 fundamental subject matter in the Orlandini case.

2 If the Court is interested, I would be happy
3 to go through the three different arguments. We don't
4 think that *Orlandini* has standing. We don't think they
5 meet the requirements of intervention as of right and
6 they don't meet the prerequisites for permissive
7 intervention.

8 With the Court's indulgence, I'm happy to go
9 through each of those.

10 THE COURT: I've read your briefs on that.
11 If you have something to add to what you already told
12 the Court, I'm happy to hear it.

13 MR. DE GRAMONT: Only with respect to your
14 first question on prejudice. Orlandini will not be
15 prejudiced. They can get everything they need in their
16 1782 action, and they can ask for any information that
17 we obtain in our 1782 against Sanchez de Lozada through
18 discovery in their UNCITRAL case. They can obtain any
19 discovery through the UNCITRAL case that we have
20 obtained from Mr. Sanchez de Lozada in this action.

21 I suspect and I hope that we're going to
22 obtain lots of information from Mr. Sanchez de Lozada
23 that doesn't have anything to do with the Orlandini
24 case. Again, we are unaware of any court that has ever
25 allowed a party to intervene in a 1782 action when they

1 have no involvement in the case that is the subject
2 matter of the 1782 action.

3 THE COURT: All right. Thank you.

4 MR. DE GRAMONT: Thank you, Your Honor.

5 THE COURT: Counsel, I'll give you the last
6 word.

7 MS. HEWETT: Yes. I think in this matter,
8 Bolivia is trying to point out the differences in our
9 cases, but Bolivia's counsel himself has said that the
10 subject matter of the two -- of the discovery petitions
11 that we filed and the discovery petition that Bolivia
12 filed, which is the main action in our case is the two
13 different arbitrations, are related.

14 With regard to the argument that the
15 floodgates would be opened, Your Honor and the courts
16 of this country still have to abide by the limits of
17 Rule 24 in standing. We believe that Mr. Orlandini and
18 that CMO meet the requirements for all three grounds.
19 It only has to meet the requirements for any one of the
20 grounds, but we firmly believe that Mr. Orlandini and
21 CMO meet all three.

22 It's important to note that Bolivia has never
23 disclaimed that the document requests are likely to
24 include information that's relevant to CMO. They've
25 also never disclaimed that they could use the

1 information in this proceeding in the arbitration
2 against CMO and Mr. Orlandini.

3 There's another argument against their
4 assertion that this would open the floodgates is that
5 it takes significant resources to bring on an
6 international arbitration of the sizes of these
7 arbitrations.

8 Glencore's request is asking for \$700 million
9 in damages. Mr. Orlandini and CMO in their arbitration
10 are asking for hundreds of millions of dollars, if not
11 more. Part of the information that we're seeking from
12 Mr. Sanchez de Lozada is with regard to the valuation
13 of the assets, and it's important to note that in the
14 sale of Comsur, the sale of the assets that are at
15 issue in the Glencore proceeding and the sale of the
16 assets and the concession rights that are at issue in
17 Mr. Orlandini and CMO's proceeding is the same. It's
18 the sale of Comsur.

19 We're not trying to intervene in Glencore's
20 arbitration against Bolivia. We're trying to intervene
21 in this discovery proceeding in which Bolivia is trying
22 to seek information about the sale of Comsur because we
23 believe that that information -- Bolivia is interested
24 in the same information. But Bolivia has also not
25 disclaimed that Bolivia nor Sanchez de Lozada can

1 represent our interest, which is another factor in
2 determining whether or not we should be allowed to
3 intervene.

4 Bolivia has also never disclaimed that there
5 would be no -- that our motion was timely. Again, that
6 nobody is -- Bolivia has never disclaimed that no one
7 is currently in this proceeding that could adequately
8 represent our interest.

9 The only interest of Bolivia's that would be
10 impaired by our intervening would be their ability to
11 gain an upper hand in our arbitration by obtaining
12 documents and testimony that's relevant to our
13 arbitration, to Mr. Orlandini and CMO's arbitration
14 that we wouldn't have access to. They would have
15 access to a deposition where they will be able to ask
16 questions about the sale of Comsur to Glencore. Even
17 if those questions are in that particular discovery
18 proceeding with regards to the assets at question,
19 they're going to be asking questions about the sale of
20 Comsur to Glencore generally and the circumstances of
21 that sale. The circumstances of that sale are a part
22 of what we are interested in in our discovery matter
23 and in our arbitration as well.

24 Bolivia has also never stated that it
25 wouldn't use the information. It's also never said

1 that it wouldn't object if CMO tries to request the
2 information in the UNCITRAL arbiter proceeding. Even
3 if it did, again, like I said earlier, there's no
4 reason why Mr. Orlandini or CMO or this Court should
5 have to take those assertions at face value. It would
6 be difficult, if not impossible, to enforce such an
7 assertion in any event.

8 The underlying arbitrations here share a
9 common question of fact, which is why our discovery
10 petitions are indeed related and why we seek to
11 intervene in this case. And because of this
12 commonality between our cases and the common questions
13 of fact, it's precisely that that gives rise to the
14 grounds for our standing to intervene, as well as why
15 we qualify for intervention as of right.

16 I also want to note that the producing party
17 in this case, Mr. Sanchez de Lozada, has not submitted
18 any filing opposing Mr. Orlandini or CMO's requests,
19 and we understand from their motion to quash that their
20 motion to quash is not directed in particular to
21 Mr. Orlandini and/or CMO's access to those documents
22 that would be produced but are rather more objections
23 based on the relevance of the 1782 factors, the intel
24 factors.

25 I have also spoken with counsel for Glencore.

1 Glencore is also not filing anything with regard to our
2 motion to intervene in the particular proceeding.

3 THE COURT: Are you aware of any court
4 decisions that have allowed intervention in comparable
5 situations?

6 MS. HEWETT: We cited Your Honor the In re
7 Letter of Request From Crown Prosecution Service, as
8 well as the In re Request for --

9 THE COURT: Those aren't quite the same; are
10 they?

11 MS. HEWETT: They're a little bit different,
12 but again, as Bolivia's counsel noted, 1782, although
13 it's growing, is a small body of law at this point.
14 Simply because there isn't a case that is exactly the
15 same fact pattern, we think that these cases actually
16 are similar in that the information that's obtained in
17 the 1782 could be used against the proposed intervenor
18 or the -- the person who is -- in those actions, they
19 were trying to quash the subpoenas.

20 In this particular proceeding, again, we are
21 not seeking to intervene to cause any delay or
22 prejudice to Bolivia in terms of trying to quash the
23 subpoena and narrow the subpoena in any way. Simply,
24 what we'd like to do is be able to have the same access
25 to the documents and be able to participate in the

1 deposition. We've stated to Bolivia's counsel that
2 that is our purpose in intervening in this case.

3 THE COURT: All right. Thank you.

4 MS. HEWETT: Thank you very much.

5 MR. DE GRAMONT: Your Honor, if I may,
6 there's just one misstatement of law.

7 THE COURT: Go ahead. I'll give you that
8 opportunity, and I'll let counsel respond if she wants
9 to.

10 MR. DE GRAMONT: Ms. Hewett, if I understood
11 her correctly, said that any of the three bases would
12 be sufficient, but as I understand it, you have to have
13 standing in order to intervene as of right.

14 THE COURT: Right, I understand.

15 MR. DE GRAMONT: Thank you, Your Honor.

16 THE COURT: I'll take it under advisement. I
17 hope I can get a decision to you very quickly.

18 MR. DE GRAMONT: Thank you, Your Honor.

19 MS. HEWETT: Thank you, Your Honor.

20 THE COURT: All right. Thank you.

21 The Court will stand in recess.

22 -----
23 Time: 11:27 a.m.

24 I certify that the foregoing is a true and
25 accurate transcription of my stenographic notes.

25 Rhonda F. Montgomery, CCR, RPR